

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

36x PATENT APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a [ ] continuation [X] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 08/996,422 filed on December 22, 1997, for CYCLOALKYL, LACTAM, LACTONE AND RELATED COMPOUNDS, PHARMACEUTICAL COMPOSITIONS COMPRISING SAME, AND METHODS FOR INHIBITING  $\beta$ -AMYLOID PEPTIDE RELEASE AND/OR ITS SYNTHESIS BY USE OF SUCH COMPOUNDS, by the following named inventor(s):

- (a) Full Name Jing Wu
- (b) Full Name Jay S. Tung
- (c) Full Name Eugene D. Thorsett
- (d) Full Name Michael A. Pleiss
- (e) Full Name Jeffrey S. Nissen
- (f) Full Name Jeffrey Neitz
- (g) Full Name Lee H. Latimer
- (h) Full Name Varghese John
- (i) Full Name Stephen Freedman
- (j) Full Name Thomas C. Britton
- (k) Full Name James E. Audia
- (l) Full Name Jon K. Reel
- (m) Full Name Thomas E. Mabry
- (n) Full Name Bruce A. Dressman
- (o) Full Name Cynthia L. Cwi
- (p) Full Name James J. Droste
- (q) Full Name Steven S. Henry
- (r) Full Name Stacey L. McDaniel
- (s) Full Name William Leonard Scott
- (t) Full Name Russell D. Stucky
- (u) Full Name Warren J. Porter



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07/30/01  
J1003 U.S. PTO

09/916440  
07/30/01  
Jc997 U.S. PTO

0916440-073001

Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

Applicant(s) suggests Figure \_ for inclusion on the front page of the patent application publication and/or patent.

1.  Enclosed is a copy of the prior Application No. 08/996,422 as originally filed on December 22, 1997, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2.  Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3.  Small entity status is hereby claimed.
4.  The filing fee is calculated below  and in accordance with the enclosed preliminary amendment:



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FOIA b7 - DATED 04/23/00

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims	73	MINUS 20 =	53	× \$18.00 (103) =	954
Independent Claims	5	MINUS 3 =	2	× \$80.00 (102) =	160
If multiple dependent claims are presented, add \$270.00 (104)					270
Total Application Fee					2094
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$_ if Assignment document is enclosed					
<b>TOTAL APPLICATION FEE DUE</b>					<b>2094.00</b>

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5.  Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
6.  A check in the amount of \$ 2,094.00 is enclosed for the fee due.
7.  The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8.  Cancel in this application original claims 1-90 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
9.  New drawings are enclosed.
10.  Priority of Application No. \_ filed on \_ in \_ (country) is claimed under 35 U.S.C. § 119.
  - The certified copy of the priority application
    - is enclosed.
    - was filed on \_ in prior Application No. \_, filed on \_, and acknowledged by the Examiner on \_ in Paper No. \_.
    - has not yet been filed.
11.  Please amend the specification by inserting before the first line the sentence:



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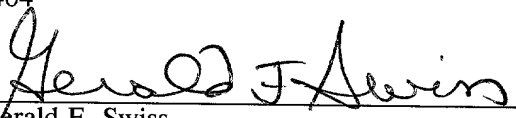
- This application is a  continuation  divisional of Application No. 08/996,422, filed on December 22, 1997.--.
- This application is a  continuation  divisional of U.S. Application No. \_\_, filed on \_\_, which was a national stage filing under 35 U.S.C. § 371 of International Application No. \_\_ filed on \_\_, which International Application  was  was not published by the International Bureau in English on \_\_.--.
- This application is a  continuation  divisional of U.S. Application No. \_\_, filed on \_\_, which was a continuation of International Application No. \_\_, filed on \_\_, which International Application  was  was not published by the International Bureau in English on \_\_.--.

12.  A preliminary amendment is enclosed.
13.  An Information Disclosure Statement is enclosed.
14.  A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15.  Also enclosed PTO-Form 1449 Information Disclosure Citation; Data Sheet; and an Acknowledgment Postcard.
16.  The power of attorney in the prior application is to Gerald F. Swiss, et al.
- a.  The power appears in the original papers in the prior application.
  - b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
  - c.  Recognize as Associate Attorney Lawrence S. Squires, Reg. No. 24,060.
  - d.  Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Gerald F. Swiss  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: July 26, 2000

By:

  
Gerald F. Swiss  
Registration No. 30,113

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
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Alexandria, Virginia 22313-1404  
(650)622-2300

- inventor(s)  
 assignee of complete interest  
 attorney or agent of record  
 filed under 37 C.F.R. § 1.34(a)



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